

PROB 12B
(7/93)

Report Date: April 3, 2006

United States District Court

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

APR 05 2006

Eastern District of Washington

JAMES R. LARSEN, CLERK

DEPUTY
RICHLAND, WASHINGTON

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender
(Probation Form 49, Waiver of Hearing is Attached)**

Name of Offender: Sylvester Sam Dave

Case Number: 2:99CR02067-001

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea

Date of Original Sentence: 11/10/1999

Type of Supervision: Supervised Release

Original Offense: Crime on Indian Reservation,
Sexual Assault, 18 U.S.C. § 1153 and 18 U.S.C. §
2241(c)

Date Supervision Commenced: 2/16/2006

Original Sentence: Prison - 87 Months; TSR - 60
Months

Date Supervision Expires: 2/15/2011

PETITIONING THE COURT

To modify the conditions of supervision as follows:

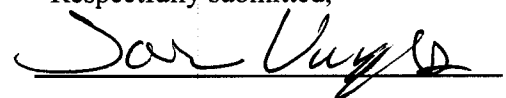
24. You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.
25. You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than 6 tests per month, in order to confirm continued abstinence from this substance.

CAUSE

Recent 9th Circuit case law requires the Court to specify a specific number of urine tests to be set. Enclosed is a waiver signed by the defendant agreeing to the above modification of his conditions of supervised release.

Respectfully submitted,

by



Jose Vargas

U.S. Probation Officer

Date: April 3, 2006

Prob 12B

Re: Dave, Sylvester Sam

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THE COURT ORDERS

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other



Signature of Judicial Officer

4/5/06

Date

United States District Court

Eastern District of Washington

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

To modify the conditions of supervision as follows:

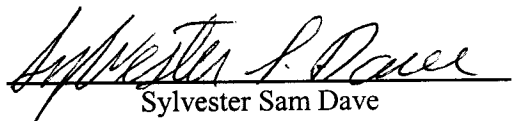
24. You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.
25. You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than 6 tests per month, in order to confirm continued abstinence from this substance.

Witness:


Jose Vargas

U.S. Probation Officer

Signed:


Sylvester Sam Dave

Probationer or Supervised Releasee

April 3, 2006

Date